United Nations A/C.3/59/SR.42

General Assembly
Fifty-ninth session

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Third Committee

Summary record of the 42nd meeting
Held at Headquarters, New York, on Thursday, 11 November 2004, at 2.30 p.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)

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04-60245 (E)

The meeting was called to order at 4.20 p.m.

Agenda item 109: Programme planning (*continued*)

1. **The Chairman** recalled that, in his letter of 4 October 2004 (A/C.3/59/1/Add.1), the President of the General Assembly had informed him that programme 19 of the proposed strategic framework for the period 2006–2007 had been allocated to the Third Committee for review and action. The Chairman took it that the members of the Committee wished to adopt a draft decision, the text of which read as follows: "Pursuant to the decision taken by the General Assembly at the 18th plenary meeting of the 59th session, held on 4 October 2004, to allocate the issue of programme planning (agenda item 109) (programme 19 of the proposed strategic framework for the period 2006–2007) to the Third Committee for review and action and for subsequent submission to the Fifth Committee for its consideration in the context of the overall strategic framework for the period 2006–2007, the Third Committee took note of programme 19 (Human rights), contained in document A/59/6 (Prog. 19) and decided to transmit it to the Fifth Committee, through the President of the General Assembly, for its consideration."

2. **Mr. Cumberbach Miguén** (Cuba) considered that, by virtue of the decision of the General Assembly, decisions on the substance of the recommendations presented under programme 19 of the proposed strategic framework for the period 2006–2007, contained in the report of the Committee for Programme and Coordination (CPC) on the work of its forty-fourth session (A/59/16), came within the competence of the Third – not the Fifth – Committee. He stressed that several initial formulations submitted to the CPC for programme 19 should be reviewed in depth, because the activities carried out at the level of the United Nations system in relation to human rights did not produce the expected results. For instance, it was necessary to integrate the right to development into the work programmes of all relevant agencies of the United Nations system. The speaker recalled that one regional group was still over-represented in the staff of the Secretariat of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and that it was appropriate to correct that situation. At the forty-fourth session of the CPC, the Cuban delegation had made a number of recommendations, which it would further uphold, if necessary, before the Fifth Committee.

3. **Ms. García-Matos** (Venezuela) concurred with the Cuban representative that, although it was up to the Third Committee to review issues of substance, her delegation would nevertheless join the consensus in favour of the proposal.

4. **The Chairman** said that those observations would be included in the report of the Third Committee.

5. *The draft decision was adopted by consensus.*

6. **Mr. Begg** (New Zealand), explaining his delegation's position, said that he also considered that the draft programme, which essentially concerned human rights standards and not budget or administrative issues, fell within the scope of the Third Committee and regretted that the Committee had preferred to surrender its responsibilities to the Fifth Committee while the other Main Committees had without difficulty adopted their draft programmes by consensus.

7. **Ms. Taracena Secaira** (Guatemala) and **Mr. Alday** (Mexico) supported the preceding statements, even though they had not wished to oppose the consensus.

8. **Ms. Ballestrero** (Costa Rica) expressed concern on behalf of his delegation, which had joined the consensus, and stressed that the Third Committee should not surrender its responsibilities and that it was the only Committee responsible for considering the substance of issues related to human rights.

Agenda item 94 (a): Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

9. **Ms. Groux** (Vice-Chairperson) (Switzerland) said that after constructive informal consultations on the Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, the delegations, wishing to preserve the consistency and relevance of the work of the ad hoc committee responsible for drafting the Convention, had agreed on an oral decision, according to which the Committee would decide to postpone the consideration of the issue until the sixty-first session of the General Assembly at

the latest and would ask the Special Rapporteur on Disability of the Commission for Social Development to take into account, in carrying out his mandate, the ideas outlined in the suggested supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (E/CN.5/2002/4).

10. *The draft decision, as orally introduced, was adopted.*

Agenda item 98: Advancement of women (*continued*) (A/C.3/59/L.24)

Draft resolution A/C.3/59/L.24: Improvement of the status of women in the United Nations system

11. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Belarus, Bosnia-Herzegovina, Bulgaria, Cameroon, Central African Republic, Colombia, Costa Rica, Ecuador, Guatemala, Israel, Liechtenstein, Mongolia, Saint Lucia, Saint Vincent and Grenadines, Slovakia, Timor-Leste, Tunisia, Turkey and Uruguay.

12. **Mr. Choi** (Australia) recalled that the goal – set during the Fourth World Conference on Women – of achieving gender equality in the United Nations system by 2000 was far from being met. The main sponsors of the draft resolution – Australia, Canada and New Zealand – had decided to restructure the text and give it a biennial character, providing clear and simple guidelines as part of the effort to revitalize the United Nations. They encouraged the other delegations to do the same when introducing draft resolutions before the Third Committee. The speaker announced the following oral revisions: in paragraph 1, the words "and the recommendations described therein" should be deleted; in paragraph 2 (b), the word "suitable" should be replaced with the words "possessing the necessary qualifications", and the words "formulating recruitment strategies in the main areas of activity" should be inserted after the words "recruitment sources for women"; paragraph 2 (c) should read: "The increased percentage of women appointed for one or more years at senior and policy-making levels"; a new paragraph 3 (b) should be added, worded as follows: "Notes with concern that women are still not represented at the highest decision-making level, particularly Under-Secretary-General posts"; the end of paragraph 5, after "the Charter of the United Nations", should be deleted; a new paragraph, 5 (b), should be added, worded as follows: "Stresses also the need to remedy the continuing lack of representation or under-representation of women from certain countries – in particular from developing countries, including the least developed countries and the small island developing States, from countries with economies in transition and from Member States that are not represented or are largely under-represented"; a further new paragraph, 5 (c), should be added, worded as follows: "Reaffirms the need to continue to develop innovative methods of recruitment in order to find and attract, in particular, women candidates born or residing in developing countries, countries with economies in transition and the other Member States that are not represented or are under-represented in the Secretariat, and possessing the qualifications required in the areas in which women are under-represented"; in paragraph 7, the expression ", especially sexual harassment," should be inserted after the word "harassment"; and, lastly, in the first line of paragraph 11, the words "a verbal" should be replaced with the words "an oral".

13. The representative of Australia then announced that the following countries had become sponsors of the project: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Brazil, Burkina Faso, Chile, China, Cyprus, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, India, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Malawi, Malta, Marshall Islands, Mexico, Myanmar, Netherlands, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Sierra Leone, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

14. **Mr. Khane** (Secretary of the Committee) announced that the following countries had also become sponsors: Albania, Bolivia, Bosnia-Herzegovina, Botswana, Burundi, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo,

Djibouti, Dominica, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Jamaica, Kenya, Kyrgyzstan, Morocco, Mauritius, Mauritania, Micronesia (Federated States of), Mozambique, Namibia, Rwanda, South Africa, Sudan, Uganda, United Republic of Tanzania, Vietnam, Zambia and Zimbabwe.

15. **Ms. Naz** (Bangladesh) called attention to a typographical error appearing in the English version of the draft: in paragraphs 5 (b) and 5 (c), the expression "less developed countries" should be corrected to read "least developed countries".

16. *Draft resolution A/C.3/59/L.24, as orally revised, was adopted without a vote.*

Agenda item 105 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.34 and A/C.3/59/L.52)

Draft resolution A/C.3/59/L.34: Subregional Centre for Human Rights and Democracy in Central Africa

17. **Mr. Khane** (Secretary of the Committee) read out the programme budget implications of the draft resolution. He recalled that, in the appropriations made by the General Assembly for the 2004–2005 biennium under section 24, the amount of US$56,794,500 had been allocated to the Sub-regional Centre for Human Rights and Democracy in Central Africa. Accordingly, the adoption of draft resolution A/C.3/59/L.34 did not necessitate any additional appropriation, since the estimated outlay was within the limits of available resources. He also drew attention to the provisions of part B, section VI of General Assembly resolution 45/248.

18. **The Chairman** announced that Algeria had also become a sponsor of the draft resolution.

19. **Ms. Mahouve** (Cameroon), speaking on behalf of the States members of the Economic Community of Central African States (ECCAS), announced that Burkina Faso, Cape Verde, France, Germany, Italy, Morocco and the United States of America had become sponsors of the draft resolution and thanked those countries for their support. She added that the countries of Central Africa hoped that, in accordance with past practice, the draft resolution would be adopted by consensus.

20. **Mr. Khane** (Secretary of the Committee) announced that Belgium, Côte d'Ivoire, Gambia, Ghana, Mali, South Africa, Togo and Tunisia had become sponsors of the draft resolution.

21. *Draft resolution A/C.3/59/L.34 was adopted without a vote.*

Draft resolution A/C.3/59/L.52: Human rights and terrorism

22. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Dominican Republic, Ecuador, El Salvador, Eritrea, Kyrgyzstan, Peru, Turkey and Ukraine.

23. **Mr. Lukyantsev** (Russian Federation) announced that Sudan, Tajikistan and Uzbekistan had become sponsors of the draft resolution and said that his delegation hoped that it would receive the broadest possible support. He explained that, by voting in favour of the draft resolution, the States would not only condemn terrorism in all its forms and manifestations but would also express their solidarity with its victims and their families.

24. **Mr. Khane** (Secretary of the Committee) announced that Congo and Sri Lanka had also become sponsors of the draft resolution.

25. **Ms. Groux** (Switzerland) called attention to the fact that his country was not a sponsor of the draft resolution.

26. **The Chairman** said that a recorded vote had been requested.

27. **Mr. Lukyantsev** (Russian Federation) asked the Chairman which countries had requested the recorded vote.

28. **The Chairman** said that the recorded vote had been requested by Australia, the Netherlands on behalf of the European Union, and the United States of America.

29. **Mr. Ceinos-Cox** (United States of America), speaking in explanation of vote before the voting, recalled that a great many United States citizens had been targeted by terrorists in various countries and, referring to the horrible day of 11 September 2001, added that other countries – including, recently, the Russian Federation – and their nationals had suffered from cruel acts of terrorism. The United States,

although committed to combating the scourge of terrorism – and that included cooperating with the appropriate mechanisms set up by the international community – was obliged to vote against the draft resolution, because it still contained language unacceptable to the United States and other countries. The United States had sought even in the current year a formulation that would make a consensus possible, but its proposals had not been taken into consideration.

30. *A recorded vote was taken on draft resolution A/C.3/59/L.52.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Egypt, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malawi, Maldives, Mali, Mauritius, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Omar, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Sri Lanka, Suriname, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Norway, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Brazil, Chile, Syrian Arab Republic.

31. *Draft resolution A/C.3/59/L.52 was adopted by 109 votes to 49, with 5 abstentions.*

32. **Mr. Rehren** (Chile) said that his country had abstained from voting. Chile emphatically condemned terrorism, which undermined human dignity and the rule of law. Still, perpetrators of terrorist acts should be arrested and prosecuted in conformity with the law and the international treaties on human rights in order to safeguard the rule of law, fundamental freedoms and democratic values. In regard to the draft resolution, the Chilean delegation applauded the reference to the possible establishment of a voluntary fund for victims of terrorism and to ways and means to rehabilitate and reintegrate them in society; but given the content of the eighteenth preambular paragraph, it had decided to abstain, as in the past. It considered that terrorist acts constituted a violation of human rights only when they resulted from the deliberate policy of a State or its agents and that it was not possible to place terrorist groups on an equal footing with States in terms of international responsibility nor to treat them as subjects of international law coming under the purview of an international legal instrument.

33. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her country condemned terrorism in all its forms and manifestations because terrorist acts were criminal. Her delegation had nevertheless abstained from voting on the draft resolution, without criticizing its content, in line with the position expressed before the Sixth Committee on the need to hold an international conference in order to define terrorism and distinguish it from the right of peoples to fight for self-determination.

34. **Mr. Heshiki** (Japan) recalled that his country had always considered that terrorism could not be tolerated under any circumstances nor justified for any reason. He expressed sympathy to the families of victims of

terrorism and to the Russian Federation, sponsor of the draft resolution, in connection with the victims of the recent taking of hostages. Although the Japanese Government was committed to cooperating with the international community in combating terrorism, the Japanese delegation had voted against the draft resolution because Japan's views differed on several points.

35. **Mr. Von Kaufman** (Canada) said that his country unequivocally condemned terrorism and had deployed significant efforts at the national and international level to eliminate that scourge. Supportive of Security Council resolutions 1368 (2001) and 1373 (2001), Canada believed that terrorism could be defeated while human rights, refugee law and international humanitarian law were upheld. Given the importance that Canada ascribed to the counter-terrorist combat, it would have preferred to work with the main sponsors of the draft resolution to reach a consensus on the text. The draft resolution certainly contained numerous constructive elements, but Canada could not support it: the notion that terrorist groups could commit human-rights violations remained a stumbling block. In fact, terrorist acts, committed by individuals or groups of individuals, were criminal and therefore should be dealt with under national and international criminal law: it was the States that had an obligation to respect human rights. Moreover, Canada did not subscribe to the idea that the right to life was a human being's primordial right: no right could be given priority over other rights, and States had an obligation to promote and protect all human rights. Lastly, Canada was concerned that the terms of the draft resolution could be taken to alter the mandate for the study requested by the General Assembly resolution in 58/187 on the protection of human rights and fundamental freedoms while countering terrorism. The Canadian delegation regretted that the main sponsor had not held transparent consultations on the draft resolution nor taken into account the observations of other delegations. For all those reasons, Canada had voted against the draft resolution.

Draft resolution A/C.3/59/L.60: Situation of democracy and human rights in the United States of America

36. **The Chairman** said that the draft resolution had no programme budget implications.

37. **Mr. Dapkiunas** (Belarus) announced that his delegation had decided to withdraw the draft resolution to underscore its consistent opposition to any country-specific resolution on human rights. Such resolutions often exaggerated deliberately the human rights situation in particular States in order to exert political pressure. Generally speaking, they introduced purely bilateral problems and disputes in the – already full – agenda of the Organization and their sponsors used the United Nations system to attain unilateral political goals.

38. The Republic of Belarus had presented the draft resolution mainly to demonstrate, on the basis of facts, that no country in the world – not even the most stable democracy – was immune to human-rights problems and therefore should not be exempt from international scrutiny. The draft resolution, which could be viewed as the first of its kind in the history of the Organization, had attained that objective.

39. The best way to promote human rights in the world was not to adopt country-specific resolutions but to establish a constructive and genuine dialogue between countries. The interpretation of universal human-rights standards and the degree of compliance of each country with them should not be used for manipulation or discrimination.

40. The Belarusian delegation had wished to avoid posing a voting dilemma for friendly delegations. It encouraged other delegations to also withdraw any country-specific draft resolutions that had been introduced on human rights and to re-establish a positive and respectful dialogue on the various issues submitted to the Third Committee for its consideration.

41 **Mr. Lukyantsev** (Russian Federation) applauded the withdrawal of draft resolution A/C.3/59/L.60, a step aimed at depoliticizing the work of the Third Committee and, generally speaking, debates on human rights issues in the United Nations. It was to be hoped that other delegations would follow the example of Belarus. He reaffirmed that the practice of introducing draft resolutions on the human rights situation in a specific country was not constructive but introduced the element of conflict in the work of the Organization and reduced its effectiveness. The Organization had been set up to promote cooperation and the joint quest for solutions to problems, particularly in the area of human rights, not to settle scores or to exploit human rights issues in specific contexts. All Member States should use the debates to discuss thematic questions and not focus on country-specific issues.

42. **Ms. Astanah Banu** (Malaysia) said that Malaysia approved of the Belarusian delegation's courageous decision to withdraw draft resolution A/C.3/59/L.60 and called on other delegations to follow that example. Malaysia was firmly opposed to any resolution targeting a specific country, developing or developed, democratic or not. It had long favoured a non-confrontational approach and constructive dialogue in resolving human rights issues. Although some States still introduced country-specific draft resolutions, sometimes disregarding actual improvements, more and more States rejected such resolutions and the practice of naming and shaming, which polarized Third Commission debates to the point that voting en bloc had become a standard process. Accordingly, the Malaysian delegation urged the other delegations to reconsider their decisions on the issue in view of the role of the Committee and the importance of its work.

43. **Mr. Cumberbach Miguén** (Cuba) stated that Cuba took note of the decision of the Belarus delegation to withdraw draft resolution A/C.3/59/L.60 on the understanding that the withdrawal did not mean that the United States did not massively violate the human rights of people throughout the world. The Cuban delegation reaffirmed its opposition to the introduction of country-specific draft resolutions on human rights issues by countries that also violated human rights.

Agenda item 105 (c): Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/59/L.60)

44. **Mr. Xie Bohua** (China) said that his delegation took note of the withdrawal of draft resolution A/C.3/59/L.60 by Belarus and supported that decision. The purpose of the United Nations in considering human rights issues was to promote international cooperation in the area of human rights. Practice over the years had shown that the introduction of country-specific draft resolutions on human rights issues for political purposes did not help to build confidence and cooperation among nations but on the contrary favoured a climate of confrontation. China hoped that, through dialogue and an exchange of views, which were the only way to promote and protect human rights, States – all on an equal footing and with mutual respect – would be able to attenuate their disagreements.

45. **Mr. Sinaga** (Indonesia) thanked the Belarus delegation for its decision to withdraw draft resolution A/C.3/59/L.60 and stressed that the best means of promoting human rights worldwide lay in constructive and cooperative dialogue among nations, not in country-specific resolutions. Indonesia had decided to make the promotion and protection of human rights a priority, not because of pressure from around the world, but because it considered respect for human rights to be conducive to development. In that connection, in 1993 Indonesia had considered it more effective to adopt a national plan of action than to be satisfied with making political statements. Lastly, the representative of Indonesia noted that, if each Member State introduced a draft resolution on the situation of human rights in another country, the Third Committee would be overwhelmed by a deluge of texts: cooperation and dialogue were therefore the best solution.

The meeting rose at 5.35 p.m.

United Nations A/C.3/59/SR.43

General Assembly
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Third Committee

Summary record of the 43rd meeting
Held at Headquarters, New York, on Monday, 15 November 2004, at 3 p.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)

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(a) Elimination of racism and racial discrimination (*continued*)

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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04-60541 (E)

0460541

The meeting was called to order at 3.10 p.m.

1. **Mr. Zheglov** (Russian Federation) pointed to an omission in the Journal of the United Nations: regarding the sponsors of draft resolution A/C.3/59/L.52 that had been announced by the Russian Federation, only Tajikistan and Uzbekistan were mentioned, and Sudan, which had also become a sponsor, had been left out. The Russian Federation therefore requested the inclusion of an appropriate mention in the Journal issue of the following day.

2. **Mr. Khane** (Secretary of the Committee), replying to a number of delegations, stated that it was possible to introduce a draft resolution at any time and that it could be put to the vote in one, two or three days.

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/59/L.69)

Draft resolution A/C.3/59/L.69: International Convention on the Elimination of All Forms of Racial Discrimination

3. **Ms. Rondeux** (Belgium) introduced draft resolution A/C.3/59/L.69 on behalf of the sponsors listed and Argentina, Dominican Republic, Japan and New Zealand. She hailed the consensual spirit that had prevailed during discussions on the draft resolution and hoped that the text would be adopted without a vote.

4. **Mr. Khane** (Secretary of the Committee) announced that Armenia, Burkina Faso, Chile, Guatemala, Namibia, Republic of Korea, Rwanda, South Africa and Turkey had become sponsors of the draft resolution.

Agenda item 104: Right of peoples to self-determination (*continued*) (A/C.3/59/L.70)

Draft resolution A/C.3/59/L.70: The right of the Palestinian people to self-determination

5. **Mr. Elbadri** (Egypt), introducing draft resolution A/C.3/59/L.50, began by expressing his condolences to the Palestinian people and paying a glowing tribute to President Yasser Arafat, who had died on 11 November 2004. Egypt regretted having to introduce the resolution for the tenth year in a row, while all peace-loving nations hoped that the Palestinian people's aspiration to self-determination would be realized through Israel's withdrawal from the occupied territory.

6. The concept of self-determination was the main ingredient of humanitarian law and international law, constituted the backbone of democracy and embodied a people's collective will to be free. Draft resolution A/C.3/59/L.50 reaffirmed the fundamental principles of self-determination embraced by the civilized world and was similar to the draft of the previous year (A/C.3/58/L.35), but also contained the advisory opinion of the International Court of Justice, issued on 9 July 2004, according to which the construction of the wall impeded the right of the Palestinian people to self-determination, and a new paragraph recalling resolution 58/292 of the General Assembly. Egypt hoped that all delegations would support the draft resolution in solidarity with the occupied Palestinian people and to support the inviolable principles of which self-determination was a part. Wishing sincerely that Israel would stop occupying Palestinian land illegally, end its own illicit practices and assent to the self-determination of the Palestinian people and by the same token to the establishment of an independent and peaceful Palestinian State, Egypt hoped not to have to introduce that draft resolution again.

7. The peace process, fervently desired for in the Middle East, was unfortunately sluggish and stagnating, because Israel believed that time would wear down conviction and that occupation would increase its power. Israeli promises to encourage peace and to withdraw from the occupied territory multiplied but remained ineffective and it was time that they materialized, so that Palestinians and Israelis could live in peace.

8. **Mr. Khane** (Secretary of the Committee) announced that the Democratic People's Republic of Korea, Ecuador, Guinea-Bissau, Nigeria and Zimbabwe had become sponsors of the draft resolution.

Agenda item 105 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.42 and A/C.3/59/L.45)

Draft resolution A/C.3/59/L.42: Missing persons

9. **Ms. Adjalova** (Azerbaijan) introduced draft resolution A/C.3/59/L.42 on behalf of the sponsors and the following countries: Argentina, Armenia, Austria, Canada, Egypt, Ethiopia, Germany, Greece, Italy, Jordan, Kazakhstan, Nicaragua, Peru, Switzerland, Tajikistan and Uzbekistan. Referring to the fourth, sixth and eighth preambular paragraphs and to paragraphs 2, 3, 5, 6, 7 and 9, she urged the States, intergovernmental institutions and non-governmental organizations (NGOs) to work without respite at the national, regional and international level in order to deal with the issue of missing persons. The Azerbaijani delegation invited the members of the Committee to adopt the draft resolution by consensus as at previous sessions.

Draft resolution A/C.3/59/L.45: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

10. **The Chairman** announced that a revised version of draft resolution A/C.3/59/L.45 would be introduced later on.

The meeting rose at 3.40 p.m.

United Nations A/C.3/59/SR.44

General Assembly
Fifty-ninth session

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Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Tuesday, 16 November 2004, at 10 a.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Groux ..... (Switzerland)
(*Vice-Chairman*)

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(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Agenda item 93: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*)

Agenda 103: Elimination of racism and racial discrimination (*continued*)

Agenda 104: Right of peoples to self-determination (*continued*)

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04-60794 (E)

The meeting was called to order at 10.30 a.m.

Agenda item 94: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

(a) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/59/176)

1. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the report of the Secretary-General on preparations for and observance of the tenth anniversary of the International Year of the Family in 2004 (A/59/176).

2. *It was so decided.*

3. **Mr. Fox** (United States of America) said that it was his delegation's understanding that the Committee was taking note of the reports consistent with General Assembly decision 55/488.

4. **The Chairman** said that the Committee had thus concluded its consideration of sub-item 94 (a) and of agenda item 94 as a whole.

Agenda item 96: Crime prevention and criminal justice (*continued*)

Draft resolution on international law enforcement assistance network for combating the criminal misuse of information technologies (A/C.3/59/L.20)

5. **Mr. Fox** (United States of America) said that his Government had decided to withdraw the draft resolution. Although it had gained widespread support, a consensus had not been reached on it. He thanked those delegations who had sponsored the draft resolution and said that he was pleased that delegations had supported the idea that the fight against cybercrime required continued attention by the United Nations and by Governments. The 24/7 Cybercrime Point of Contact Network had demonstrated its effectiveness and would be more effective still with wider participation. He encouraged all Governments to consider taking the necessary steps to participate in the Network.

6. *Draft resolution A/C.3/59/L.20 was withdrawn.*

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/59/L.31)

7. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.31 and drew attention to the programme budget implications relating to the draft resolution in document A/C.3/59/L.63. The following delegations had become sponsors of the draft resolution: Azerbaijan, El Salvador, Indonesia, Nicaragua, Paraguay, Peru, Senegal and Uruguay.

The meeting was suspended at 10.35 a.m. and resumed at 10.50 a.m.

8. **Ms. Olivera** (Mexico) said that, following consultations, the third and fifth preambular paragraphs and paragraphs 1, 4, 6 and 12 of draft resolution A/C.3/59/L.31 had been revised. She read out the revised text, which had been distributed to all delegations. The following delegations had become sponsors of the draft resolution: Bangladesh, Chile, Ghana, Mali, Nicaragua, the Niger, Sri Lanka and Tunisia. All the sponsors were listed in the revised version, which she hoped would be adopted without a vote.

9. **The Chairman** said that the following countries wished to sponsor the draft resolution, as orally revised: Burkina Faso, Cape Verde, Grenada, Guinea, Guinea-Bissau, Morocco, Mozambique, the Sudan and Yemen.

10. *Draft resolution A/C.3/59/L.31, as orally revised, was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution on the question of enforced or involuntary disappearances (A/C.3/59/L.61*)

11. **The Chairman** informed the Committee that the draft resolution had no programme budget implications. The following delegations had joined the

sponsors of the draft resolution: Afghanistan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, the Central African Republic, the Congo, Cuba, the Dominican Republic, Eritrea, Grenada, Haiti, New Zealand, the Niger, Paraguay, South Africa, Timor-Leste, Togo, Turkey and Ukraine.

12. **Mr. Bertoux** (France) announced that the following had also become sponsors of the draft resolution: Albania, Angola, Armenia, Gabon, Guinea-Bissau, Iraq, Mauritius and Serbia and Montenegro. The fact that the number of sponsors had doubled in two years was a clear indication of the widespread support for the draft resolution. The international community could no longer tolerate enforced disappearances, which were a form of organized repression. Impunity further undermined the rights of victims and encouraged those responsible to commit other crimes. Over ten years earlier, the General Assembly had adopted the Declaration on the Protection of all Persons from Enforced Disappearance. It was time to go one step further and establish a legally binding instrument which would enable the international community to fight impunity effectively and provide justice for victims and their families, as well as shed light on the various unresolved cases of disappearances. He hoped that the draft resolution in its entirety would be adopted by consensus.

13. **Mr. Fox** (United States of America) said that he wished to propose amending the seventh preambular paragraph of the draft resolution, as follows: "*Recognizing* that forced disappearance is a crime against humanity under international law and that States and the relevant organs of the United Nations have a responsibility to ensure that those responsible are brought to justice through appropriate domestic or international judicial processes,".

14. **Mr. Bertoux** (France) said that, while taking note of the proposed amendment, his delegation remained committed to the current wording of the seventh preambular paragraph of the draft resolution, which was identical to that agreed at the fifty-seventh session of the General Assembly. He reiterated the importance of fighting impunity, regarding which the International Criminal Court played a key role. His delegation was particularly pleased that the Rome Statute defined enforced disappearance, in certain circumstances, as a crime against humanity. The draft resolution could not, therefore, fail to mention the International Criminal Court. He called on delegations to reject the proposed amendment and hoped that the draft resolution would be adopted by consensus.

15. *A recorded vote was taken on the amendment proposed by the United States of America.*

In favour:

Guinea, Guinea-Bissau, United States of America.

Against:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam.

Abstaining:

Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cape Verde, Haiti, Indonesia, Israel, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Myanmar, Nepal, Pakistan, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, United

Republic of Tanzania, Yemen, Zambia, Zimbabwe.

16. *The amendment proposed by the United States of America to the seventh preambular paragraph of draft resolution A/C.3/59/L.61* was rejected by 114 votes to 3, with 32 abstentions.**

17. **The Chairman** said he took it that the Committee wished to adopt the draft resolution as a whole without a vote.

18. *Draft resolution A/C.3/59/L.61* was adopted.*

19. **Mr. Rutledge** (United States of America), explaining his delegation's position, said that he appreciated the efforts of the delegation of France to reach a compromise on the seventh preambular paragraph of the draft resolution. The concerns of his delegation remained, however, and it had been compelled to propose an amendment. The international community should use all available and appropriate international, regional and domestic judicial mechanisms to attack the problem of crimes against humanity, including widespread or systemic forced disappearances, and to hold accountable those responsible for such crimes. With respect to paragraph 22 of the draft resolution, his delegation believed that treaty negotiations on human rights instruments should be careful and deliberate, and should aim to produce an instrument that reflected a genuine consensus. Nevertheless, his delegation had been pleased to join the consensus on the draft resolution as a whole.

Draft resolution A/C.3/59/L.41: World Programme for Human Rights Education

20. **Mr. Choi** (Australia) announced that his delegation was withdrawing draft resolution A/C.3/59/L.41 as the report of the Office of the High Commissioner for Human Rights (E/CN.4/2004/93), on which the draft resolution was based, had not yet been released. The draft resolution would, however, be reintroduced as a plenary item in December.

Draft resolution A/C.3/59/L.43 on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

21. **Ms. Pérez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that the text reaffirmed that United Nations action in international cooperation for human rights should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them. It also reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and stressed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends. Lastly, she said that Bangladesh, Burkina Faso, Cameroon, China, Colombia, the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, Indonesia, the Islamic Republic of Iran, Kenya, Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Nigeria, the Russian Federation, South Africa, Sudan, the Syrian Arab Republic, Venezuela, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

22. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

23. **The Chairman** announced that Togo had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/59/L.47 on promotion of a democratic and equitable international order

24. **Mr. Cumberbatch** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by Angola, Burundi, Cape Verde, China, Guinea-Bissau, Eritrea, Ethiopia, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mali, Myanmar, Pakistan and the Sudan, said that, as a result of free-market globalization, the unipolar world was characterized by a widening income gap and spreading poverty. The draft resolution called for a genuine democratization of international relations. In paragraph 13 of the text, the

* The delegations of Guinea-Bissau, Guinea and Saint Vincent and the Grenadines subsequently informed the Committee that they had intended to vote against the amendment.

words "January 2003" had been replaced by the words "February 2005".

Draft resolution A/C.3/59/L.51 on protection of migrants

25. **Mr. Tinajero** (Mexico) introduced the draft resolution on behalf of the sponsors, joined by Argentina, Bangladesh, Brazil, Colombia, Ecuador, Guatemala, Mali, Paraguay, the Philippines, Senegal, Tunisia and Uruguay. The draft resolution sought to address the question of protection of migrants in a comprehensive manner and from a human rights perspective. It was increasingly important to promote and protect migrants' rights and fundamental freedoms and to combat discrimination against them in order to create truly inclusive societies. To that end, it was necessary to ensure the effective implementation of all the relevant international instruments. The draft resolution placed special emphasis on the labour legislation governing migrants' working conditions and on the questions of violence against migrants and the exploitation that they were subjected to, and called for greater international cooperation and participation in the relevant forums.

Draft resolution A/C.3/59/L.64/Rev.1 on the right to food

26. **Ms. Pérez** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Austria, Bulgaria, Burkina Faso, Cape Verde, Cyprus, Finland, France, Germany, Greece, Guinea, Iceland, Indonesia, Italy, Ireland, Kenya, Lesotho, Malaysia, Nepal, Nicaragua, Norway, the Philippines, Portugal, Saint Vincent and the Grenadines, San Marino, Slovenia, South Africa, Suriname, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania. The draft resolution reaffirmed the existence of a basic right to freedom from hunger, predicated on a range of international provisions on the right to an adequate standard of living. Hunger had been likened to a weapon of mass destruction, killing someone every five seconds and affecting 16 per cent of the world's population. Cuba called on all Member States to support the draft resolution and adopt it by consensus.

Draft resolution A/C.3/59/L.65 on respect for the right to universal freedom of travel and the vital importance of family reunification

27. **Mr. Cumberbatch** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Nigeria. The complex interplay of cause and effect surrounding cross-border movements of individuals and groups meant that family ties were a sensitive issue for migrants. In that context, unilateral efforts to define the family were a cause for great concern and the draft resolution addressed, inter alia, the issue of legislation that discriminated against migrants by hindering or preventing family reunification. Accordingly, he urged delegations to support the draft resolution.

Draft resolution A/C.3/59/L.66 on respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

28. **Ms. Pérez** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Angola, Belarus, Burkina Faso, Cameroon, the Congo, Eritrea, Ethiopia, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malawi, Myanmar, Namibia, Nigeria, Pakistan, Saint Lucia, the Sudan, Venezuela and Zimbabwe. She drew delegations' attention to paragraphs 3 bis and 3 ter, which highlighted the central role of the United Nations and respect for the principle of multilateralism in dealing with threats to international peace and security, and called on States to refrain from resorting to unilateral coercive measures to exert pressure on other States. Cuba urged all delegations to support the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolution on the situation of human rights in Myanmar (A/C.3/59/L.49)

29. **The Chairman** drew attention to document A/C.3/59/L.76 containing the programme budget implications of the draft resolution. France and Monaco should be added to the list of sponsors; and the Republic of Moldova had withdrawn its sponsorship.

30. **Mr. Hof** (Netherlands), speaking on behalf of the European Union and of the sponsors, expressed his appreciation to the delegation of Myanmar for its constructive attitude during the informal consultations on the draft resolution. The late issuance of the statement of programme budget implications was regrettable; and it was hoped that deadlines would be respected in the future. Adoption of the draft resolution without a vote would be proof of the interest of the international community in the future of the people of Myanmar. The Republic of Korea and Switzerland had joined the sponsors.

31. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the report of the Secretary-General on the situation of human rights in Myanmar (A/59/269) had revealed that the main focus was not on human rights but rather the political situation in his country, and indicated the views of some powerful States on its democratization process. The real aim of the draft resolution was to put in power a certain person and political party. The draft resolution was based on unsubstantiated allegations by insurgent and anti-Government groups and was a blatant attempt to interfere in Myanmar's domestic political process by politicizing human rights.

32. On 30 August 2003, Myanmar had announced a seven-step political programme for a transition to democracy. The first step, the reconvening of the National Convention, had taken place in May 2004. Following a successful first session, which had focused on power sharing, preparatory work for a second session had begun. The National Convention would draft a new Constitution to be submitted for a nationwide referendum, which would be followed by elections. The draft resolution not only failed to take those positive developments into account, but also attempted to dictate parameters for the next session of the National Convention in paragraph 3 (b) and (m).

33. Paragraphs 2 (a) and 3 (a) of the draft resolution referred to systematic violations of human rights. There were no such violations taking place in Myanmar. Paragraph 2 (d) expressed concern that the Special Envoy and the Special Rapporteur had not been allowed to visit the country, yet Myanmar had allowed both to make multiple visits over the past four years. Since the adoption of the previous resolution by the General Assembly in 2003, the Special Envoy had visited Myanmar twice. Cooperation with the United Nations was a cornerstone of its foreign policy, and it had accepted those visits out of good will, but they were not to be used as occasions to intrude into its domestic political process.

34. The draft resolution, in paragraph 3 (c), also called on the Government to respect the results of elections held 14 years earlier. However, the Government was resolute in its determination to implement the seven-step road map. Paragraph 3 (j) called on the Government to put an end to the recruitment and use of child soldiers, once again ignoring the fact that there was neither a draft nor forced conscription in the country. Furthermore, no United Nations agency operating in Myanmar had verified the alleged recruitment of minors, although the recruitment of child soldiers was a practice of some insurgent groups. A high-level committee for the prevention of military recruitment of under-age children had been established and a plan of action adopted, which included cooperation with UNICEF. Paragraph 3 (k) blatantly politicized the provision of humanitarian assistance, while there was no humanitarian crisis in Myanmar.

35. As in previous years, the draft resolution was intrusive and lacked objectivity, impartiality and non-selectivity. His delegation, therefore, totally rejected all the unfounded allegations that it contained and dissociated itself from it.

36. **Mr. Sar** (Cambodia) said that the questions addressed in the draft resolution pertained to the internal affairs of a sovereign State. The situation of human rights in any country should be addressed through a cooperative approach and with objectivity, impartiality, non-selectivity and transparency. Furthermore, all positive developments for the promotion and protection of human rights should be fully acknowledged. In that regard, his delegation was pleased to note that the Government of Myanmar had established a high-level committee for the prevention of military recruitment of under-age children and was cooperating with the High Commissioner for Refugees, the International Committee of the Red Cross, UNICEF, the Committee on the Rights of the Child and other international human rights organizations. The recent summit of the Association of Southeast Asian Nations (ASEAN) had viewed the road map towards democracy as a pragmatic approach deserving understanding and support. Those countries believed that sanctions would not work, as they would not help to achieve the goal of ensuring the well-being of the people.

37. **Mr. Osmane** (Algeria) said that cooperation on human rights required an honest and sincere partnership that avoided hegemony and selectivity. The drafting of country-specific resolutions was a regrettable process that did not advance the cause of human rights. Myanmar had made significant progress and had begun its transition to democracy. It thus deserved the understanding and encouragement of the entire international community.

38. **Mr. Cumberbatch** (Cuba) said that his delegation would not participate in the consensus on the draft resolution, as such a selective and discriminatory exercise did not contribute in any way to true cooperation in the area of human rights.

39. **Mr. Aydogodyev** (Turkmenistan) said that, guided by the Durban Declaration of the Movement of Non-aligned Countries, his delegation believed that the human rights situation in any country should be addressed only through a cooperative approach and with objectivity, impartiality, non-selectivity and transparency. Turkmenistan supported the position of Myanmar on the draft resolution and its efforts to promote the human rights of all its people.

40. **Ms. Pham Thi Kim Anh** (Viet Nam) said that only through dialogue, cooperation and respect for the principle of non-interference in the internal affairs of States could the cause of human rights truly be advanced. Specific country resolutions like the one on the situation of human rights in Myanmar ran counter to her delegation's fundamental position. Viet Nam hoped that the national reconciliation process in Myanmar would soon be successfully concluded and stressed that the international community should encourage rather than complicate the process.

41. **Mr. Hayee** (Pakistan) said that his delegation opposed draft resolution A/C.3/59/L.49 and country-specific resolutions on principle, as they tended to alienate the country in question and caused unnecessary ill will.

42. **Mr. Sinaga** (Indonesia) said that country-specific resolutions were counterproductive and that dialogue was more constructive in persuading countries to improve their human rights standards.

43. **Mr. Taranda** (Belarus) said that his delegation would join the consensus on the draft resolution, on the understanding that its position regarding country-specific resolutions remained unchanged. Belarus was against the artificial politicization of the Committee's work and called for a non-confrontational approach to the consideration of human rights issues. It supported the efforts of the Government of Myanmar to strengthen democracy and human rights.

44. **Ms. Garcia-Matos** (Venezuela) said that her delegation did not agree with the policy of individual and selective condemnation of certain countries, as it ran counter to the provisions of the Charter concerning non-interference in the internal affairs of States.

45. **Ms. Ahmed** (Sudan) said that the basic position of her delegation was to reject the politicization of human rights issues and the selectivity and double standards applied in the case of country-specific resolutions.

46. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

47. *Draft resolution A/C.3/59/L.49 was adopted.*

48. **Ms. Plaisted** (United States of America), explaining her delegation's position, said that the United States was concerned about the presentation of the programme budget implications of draft resolution A/C.3/59/L.49 in document A/C.3/59/L.76, which had been submitted late. She hoped that in future there would be greater opportunity for budgetary consultations on the draft resolution. The situation in Burma had deteriorated significantly since the General Assembly had last formally addressed the question. Her delegation remained deeply concerned about the continued detention and well-being of Daw Aung Sang Suu Kyi, the failure of the Government to permit the National League for Democracy to open its offices nationwide and operate freely, and its refusal to release more than 1,000 political prisoners. The Burmese people's desire for genuine national reconciliation and the establishment of democracy must be respected.

49. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order, said that he would be grateful if the representative of the United States of America would refer to his country by its proper name, Myanmar.

50. **Ms. Plaisted** (United States of America), continuing her statement, urged the international community to consider steps to further strengthen sanctions and hoped that the Secretary-General would remain focused on the deplorable human rights situation in Burma and that that would encourage

greater cooperation by the international community on the issue. She urged the Burmese authorities to allow the Secretary-General's Special Envoy and the Special Rapporteur of the Commission on Human Rights to return to the country without delay.

51. **The Chairman** reminded the representative of the United States that only the official country names of States Members of the United Nations should be used during the Committee's proceedings.

52. **Ms. Hastaie** (Islamic Republic of Iran), supported by Zimbabwe, said that her delegation shared the Committee's consensus on the situation of human rights in Myanmar, but was opposed to country-specific resolutions in general, because they were based on bias, selectivity and partiality.

53. **Mr. Xie** Bohua (China) said that the Government of Myanmar had in recent years cooperated actively with the relevant United Nations human rights agencies and the International Committee of the Red Cross (ICRC) and had invited the Secretary-General's Special Envoy to visit Myanmar on many occasions. The Government of Myanmar was open-minded on the question of human rights and other related issues, and the Committee should encourage and recognize that.

54. **Mr. Vixay** (Lao People's Democratic Republic), supported by Nepal and India, said that the draft resolution failed to reflect positive developments in Myanmar, especially the efforts of its Government to achieve national reconciliation through its seven-step road map, which deserved the Committee's understanding and support, as it would involve all sectors of society in the reconciliation process. The draft resolution should reflect that reality if its intention was to serve the best interests of the people of Myanmar.

55. **Ms. Al Haj Ali** (Syrian Arab Republic) said that the approach taken to the human rights situation in individual countries must not be politicized and must not involve double standards or selectivity. Instead, it should be informed by a desire for cooperation, constructive dialogue and objectivity, and should take account of the historical, religious and cultural specifics of the country in question.

Draft resolution A/C.3/59/L.55 on the situation of human rights in Belarus*

56. **Ms. Plaisted** (United States of America), introducing the draft resolution on behalf of the sponsors, joined by Andorra, Australia, Bulgaria, Croatia, Cyprus, Hungary, Iceland, Malta, the Marshall Islands, Spain, Switzerland and Turkey, said the last line of paragraph 2, subparagraph (d), should be revised to read "Russian First Channel (ORT), RenTV, NTV and the Associated Press". The United States and the European Union had introduced the draft resolution as a result of persistent concerns regarding serious ongoing violations of human rights in Belarus. Belarus had failed to heed resolutions passed by strong majorities in the Commission on Human Rights, and the authors had concluded that a General Assembly resolution in the Third Committee was called for in order to emphasize to the Government of Belarus that it must begin to take its international human rights commitments seriously and to reinforce to the people of Belarus the international community's solidarity with them.

57. **Mr. Dapkiunas** (Belarus) said his delegation did not accept the draft resolution either in form or in content and strongly urged the authors to abandon the practice of manipulating human rights issues for political purposes. Such an approach ran counter to the spirit of revitalization of the work of the Committee and to the efforts made by the majority of delegations to avoid politicization. Belarus stood for constructive dialogue and the kind of cooperation that aimed at assisting governments in complying with their obligations in the field of human rights. It opposed all steps that unjustifiably ostracized and alienated individual Member States.

58. **Mr. Cumberbatch** (Cuba) said the main violators of human rights throughout the world set themselves up as judges of others. Cuba opposed such a selective and discriminatory attitude, which reflected, neither a genuine concern for the situation of human rights in Belarus nor a sincere intention to promote effective, non-selective cooperation in the field of human rights, and constituted gross interference in that country's internal affairs.

Agenda item 93: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*)

Draft decision on the outcome of the ten-year review of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (A/C.3/59/L.16)

59. **The Chairman** said that the draft decision had no programme budget implications.

60. **Mr. Ndimeni** (South Africa), speaking on behalf of the Group of 77, said that the sponsors had decided to withdraw the draft decision, as, following consultations, the proposals contained therein had been successfully incorporated into draft resolution A/C.3/59/L.17 entitled "Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly", introduced by Chile.

61. *Draft resolution A/C.3/59/L.16 was withdrawn.*

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/59/L.71 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

62. **Mr. Al-Motawa** (Qatar), speaking on behalf of the Group of 77 and China, introduced the draft resolution, which would serve to guide the intersessional work of the Commission on Human Rights and its subsidiary working groups in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action. It should be recalled that the International Convention on the Elimination of All Forms of Racial Discrimination made no provision for xenophobia and related intolerance, the newest manifestations of racism, which in most cases assumed violent forms. The draft resolution sought to impress upon the Commission on Human Rights and its relevant subsidiary structures the paramount need to elaborate complementary international standards to combat them.

63. The draft resolution would also decide to request the Office of the High Commissioner for Human Rights to convene a high-level seminar to produce a conclusive list of the areas where gaps existed and for which complementary standards were necessary and to present concrete proposals on the proposed additional protocol to the International Convention. The text also welcomed the determination of the High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make it a cross-cutting issue in the activities and programmes of her Office. The Group of 77 and China were satisfied with the leadership role played by the General Assembly in ensuring that the mechanisms employed for follow-up to the World Conference were effective and addressed the question of the responsibility of States to protect the victims of racism.

Agenda item 104: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/59/L.68 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

64. **Mr. Cumberbatch** (Cuba), introducing the draft resolution on behalf of the sponsors, said that the use of mercenaries continued to be an obstacle to the full realization of the right of peoples to self-determination, and to be used to interfere in the internal affairs of States, especially third world countries. The draft resolution encouraged the new Special Rapporteur on the question of the use of mercenaries to continue and further advance the valuable work done and the important contributions made by her predecessor. It also requested her to circulate to and consult with States on the new proposal for a legal definition of a mercenary drafted by her predecessor, and to report her findings to the Commission on Human Rights and the General Assembly. It condemned recent mercenary activities in Africa, as well as any form of impunity granted to perpetrators of mercenary activities, and urged all States, in accordance with their obligations under international law, to bring them, without distinction, to justice. Lastly, he pointed out that the Comoros, the Democratic Republic of the Congo, Eritrea, the Libyan Arab Jamahiriya, Malawi, Pakistan, Togo, Venezuela and Zambia had joined the sponsors of the draft resolution

65. **The Chairman** said that Botswana and Kenya had also joined the sponsors of the draft resolution.

66. **Mr. Rehren** (Chile) said that, although his delegation was listed in document A/C.3/59/L.68 among the sponsors of the draft resolution, it was not in fact a sponsor.

The meeting rose at 1.15 p.m.